90-1214

Supreme Court, U.S.
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Petition for Writ of Certiorari

No. _____

IN THE SUPREME COURT OF THE UNITED STATES
October Term, 1990

DEEN THOMAS WILLIAMSON,
Petitioner,

v.

ABILENE INDEPENDENT SCHOOL DISTRICT, TEXAS STATE TEACHERS ASSOCIATION, DR. WAYNE BLEVINS, MR. GAYLE LOMAX, MR. DON SIMMONS, MRS. TOMMIE ALLEN, MS. VICKIE HARPER, MS. PAT DUDLEY, MR. ELMON HIGGS, MS. SHIRLEY BABER, MR. BOB JOY, AND MR. GENE KINSER,
Respondents,
(Collectively and Individually),
Mr. Byron Craig (POSTHUMOUS) and
Mr. Craig Williams
'Non-Active' Respondents.

PRO SE PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Of Counsel:

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(requesting court
appoint proper counsel)

January 26, 1991

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QUESTIONS PRESENTED

1. Does a federal court of appeals, having accepted jurisdiction to de novo review a final judgment in a civil case presented by a pro se plaintiff-appellant, abuse its discretion by rendering a decision, which is in conflict with decisions from other circuits, this court, and the Fifth Circuit?

> [Note: Petitioner reserves the right to argue Questions 2 thru 10 in the event certiorari is granted on the above question, but does not include Questions 2 thru 10 among the reasons for the grant of certiorari].

2. Does the appeals court abuse its discretion by ignoring the existence of a Federal Question in pro se plaintiff-appellant's complaint as pointed out by pro se in her pleadings?

3. If the District Court ignores pro se plaintiff's request for a hearing to present evidence, explore the issues of fact, to be heard on the issues of law, and time after same to draft a second amended complaint, does pro se plaintiff have the right to draft a second amended complaint?

4. Does the appeals court abuse its discretion by ignoring pro se plaintiff-appellant's assertions that she was deprived of full opportunity to explore the issues of facts and full opportunity to be heard on the issues of law?

5. Does the recognition of implied causes of action in a pro se plaintiff-appellant's complaint not recognized or just ignored by the district court warrant remand to the district court for proper findings on those issues and bring in question the finality of the district court's judgment?

6. Does the appeals court falsely tailoring the facts to fit their decision leaving out the pivotal facts and misstating other facts constitute a violation of pro se litigant's right to litigate, which is protected under the First and Fourteenth Amendments of the United States Constitution and is in conflict with their basic function to render justice under Article Three of the United States Constitution?

7. When pro se plaintiff-appellant asserts [and can prove from evidence-exhibits already in the record] duress, conspiracy, fraud, misrepresentation, and coercion [civil entrapment], can the court allow opposing attorneys to draft the lower court's final judgment or the court to draft from their pleadings the final judgment without benefit of a hearing, proper discovery, and opportunity for pro se plaintiff to agree as to content?

8. Did the appeals court abuse its discretion by denying a panel rehearing, when pro se plaintiff-appellant pointed out in her request for a rehearing that this cause still contained multi questions of fact and law, which were unlitigated, litigated under the wrong legal theory, or mislitigated?

9. Does the rule that applies in a pro se plaintiff-appellant action of less stringent standards of technical requirements for the pleadings, extend to the right to offer evidence in answer to a Rule 12(b)(6) dismissal?

10. Can opposing counsel be sanctioned if they continue to cloak the true nature of this cause, conceal evidence in support of pro se plaintiff's assertions, and make false statements about pro se's cause?

LIST OF PARTIES

The parties to the proceedings below were the pro se petitioner Deen Thomas Williamson and the respondents Abilene Independent School District, Texas State Teachers Association, Dr. Wayne Blevins, Mr. Gayle Lomax, Mr. Don Simmons, Mrs. Tommie Allen, Ms. Vickie Harper, Ms. Pat Dudley, Mr. Elmon Higgs, Ms. Shirley Baker, Mr. Bob Joy, and Mr. Gene Kinser [collectively and individually] with Mr. Byron Craig (posthumous) and Mr. Craig Williams "non-active" respondents.

The respondents before the court include all the above named respondents inclusive of their attorneys, Mr. Roger Glandon and Mr. Gaynor Kendall.

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The federal court of appeals, having accepted jurisdiction to de novo review a final judgment in a civil case presented by pro se plaintiff-appellant, rendering its decision in conflict with decisions from other circuits, this court, and the Fifth Circuit is an appealable matter, which raises important and unresolved questions.

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DEEN THOMAS WILLIAMSON,

Petitioner,

v.

ABILENE INDEPENDENT SCHOOL DISTRICT, TEXAS STATE TEACHERS ASSOCIATION, DR. WAYNE BLEVINS, MR. GAYLE LOMAX, MR. DON SIMMONS, MRS. TOMMIE ALLEN, MS. VICKIE HARPER, MS. PAT DUDLEY, MR. ELMON HIGGS, MS. SHIRLEY BABER, MR. BOB JOY, AND MR. GENE KINSER,

Respondents,
(Collectively and Individually),

MR. BYRON CRAIG (POSTHUMOUS) and
MR. CRAIG WILLIAMS

"Non-Active" Respondents.

PRO SE PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

The pro se petitioner Deen Thomas Williamson respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Fifth Circuit, entered in the above-entitled proceeding on October 4, 1990 and reverse the findings of the Fifth Circuit with instructions that this cause be sent back to the District Court for a trial on the merits with a lawyer being granted permission to write a second amended complaint in legal terms.

OPINIONS BELOW

The Fifth Circuit denied petitioner a rehearing. It is reprinted in the *appendix hereto, p. 1A, infra.*

The opinion of the Court of Appeals for the Fifth Circuit is not published, but is reprinted in the *appendix hereto, p. 2B thru 6B, and 7C, infra.*

The memorandum decision of the United States District Court for the Northern District of Texas (Halbert 0. Woodward, D.J.) has not been reported. It is reprinted in the *appendix hereto, p. 9E thru 13E, and 14F and 8D, infra.*

> The opinions and decisions of the 'quasi-government' administrative agency—Abilene Independent School District Board [either directly or under the theory of respondeat superior] are articulated below:

(1) Petitioner was fired and reassigned without due process and without due notice on December 15, 1986 and the administrative agency processed her reassignment on December 16, 1986, which is reprinted in the *appendix hereto, p. 15G, infra.*

(2) The administrative agency and her union attempted to cover-up the firing and reassignment without due notice and due process by fraudulently coercing her [while she was under duress] to sign a resignation letter, which was written by Dr. Blevins and Mr. Kinser. It is reprinted in the *appendix hereto, p. 16G, infra.*

(3) The administrative agency continued its attempted cover up of the firing and reassignment without due notice and due process by a letter dated 12-18-86, which she did not see until May, 1987. It is reprinted in the *appendix hereto, p. 17G thru 18G, infra.*

(4) The administrative agency denied a requested hearing to clear her name.' In retaliation for her making this request, they threatened legal action against her. These documents are reprinted in the *appendix hereto, p. l9G, 20G, 2lG, infra.*

(5) The administrative agency, in retaliation for her requesting the E.E.O.C. to investigate, was still keeping her from working as a teacher almost two years after they illegally fired and illegally reassigned her. An affidavit asserting their decision to continue harassing her is reprinted in the *appendix hereto, p. 22G, infra.*

JURISDICTION

Invoking federal jurisdiction under *42 U.S.C. δ 1983 thru 28 U.S.C. δ 1331,* the petitioner brought this suit in the Northern District of Texas on September 19, 1988. On December 15, 1988, without a hearing, the Northern District granted a *Rule 12(b)(6)* dismissal as requested by the respondents. See *Appendix hereto, p.9E thru 13E, and 14F and 8D, inra.*

On pro se petitioner-appellent's appeal, the Fifth Circuit on October 4, 1990, entered a judgment and an opinion affirming the lower courts dismissal and ruling on fraud as well as five other questions. *See Appendix hereto, p.2B thru 6B, and 7C, infra.*

Petitioner requested a panel rehearing and was denied same October 30, 1990. *See Appendix hereto, p. lA, infra.*

The jurisdiction of this Court to review the judgment of the Fifth Circuit is invoked under *28 U.S.C. δ 1254(1).*

STATUTES INVOLVED

TEXAS EDUCATION CODE l3.lll(b) NOTICE [(a) is included only for clarification of (b).]

(a) Before any teacher shall be discharged during the year for any of the causes mentioned in Section 13.109 of this code, or before any probationary contract teacher shall be dismissed at the end of a school year before the end of the term fixed in his contract, or before any teacher holding a continuing contract shall be dismissed or returned to probationary contract status at the end of a school year for any of the reasons mentioned in Section 13.110 of this code, he shall be notified in writing by the board of trustees or under its direction of the proposed action and of the grounds assigned therefor.

(b) In the event the grounds for the proposed action relate to the inability or failure of the teacher to perform his assigned duties, the action shall be based upon the written recommendation by the superintendent of schools, filed with the board of trustees. Any teacher so discharged or dismissed or returned to probationary contract status shall be entitled, as a matter of right, to a copy of each and every evaluation, report, or any other memorandum in writing which has been made touching or concerning the fitness or conduct of such teacher by requesting in writing a copy of the same.

Conspiracy: *18 U.S.C. Crimes Part 1 ch. 13 δ241 and δ242.*

ACTS INVOLVED

TAFT-HARTLEY ACT: *29 U.S.C.A. δ141-151 et seq; and δ186. 18 U.S.C.A. δ1961 Sec. 50*

A violation of either...or Taft-Hartley Act, section 186 of Title 29 by a union official constitutes an act of "racketeering" for purposes of this chapter.

ADMINISTRATIVE PROCEDURE ACT: *Title 5 U.S.C. sec. 702*

RE: Standing: Person suffering legal wrong, because of agency action within a meaning of a relevant statute is entitled to Judicial review thereof.

AMENDMENTS INVOLVED

First Amendment of the U.S. Constitution

Congress shall make no law.....abridging the freedom of speech,...or the right of the people...to petition the government for redress of grievances. [including the very presupposition of the First amendment, which is that one should be allowed to act with full capacity of individual choice, without deception or without duress.]

Fourteenth Amendment of the U.S. Constitution:

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

STATEMENT OF THE CASE

Petitioner had been teaching in the state of Texas for 10 years at the time this cause arises. On September 19, 1988 she instituted this damage action, sounding in malicious conspiracy, pursuant *42 U.S.C. δ1983* through the jurisdictional authority of raising a federal question under *28 U.S.C. δ1331*. The complaint asserts that during the period from September 1986 thru September of 1988, the Abilene Independent School District [A.I.S.D.], the school board, nine of its employees, Texas State Teachers Association [T.S.T.A.], and one of its employees-the respondents herein-

had acted in furtherance of a conspiracy to deprive petitioner of her civil and constitutional rights secured by the First and Fourteenth Amendments; to cover up their actions; and to retaliate against her for seeking redress.

The asserted "conspiracy, harassment, oppression, intimidation, cover-up, retaliation, fraud, and misrepresentation" involved: (1) false and misleading allegations contained in a file, [she was not allowed to see]; (2) three erroneous observations, [which were supposed to be for practice, only, according to the Texas Education Agency]; (3) her being fired and reassigned both without due notice and due process; (4) the conspirators attempting to cover up their actions and involvement in firing her; (5) her being fraudulently coerced into signing a resignation letter by the School District, Mr. Lomax, and T.S.T.A., Mr. Kinser, while she was under duress from (3) above; (6) the conspirators retaliating against her for seeking redress for the injuries their actions caused her; and (7) the Stigma of Incompetency being falsely placed on her without due process. Further, her union did not properly negotiate the grievance process as related to: (1) the observations, (2) the file, (3) her being fired and reassigned without due notice or due process, (4) the cover up of their actions, (5) the retaliation against her, or (6) the Stigma of Incompetency being falsely placed on her without due process. Instead her union conspired with the District to cover-up their actions in the firing and reassigning her without due notice or due process, which placed the Stigma of Incompetency on her without due process, which has been made public. The purpose of the conspirator's actions from September 1986 thru September 1988 was a direct result of the people in power feeling they are above the law syndrome, because no one can stop them.

As a result of their conspiracy to violate her civil rights, covering up that violation, and retaliating against her for seeking redress for the injuries their actions caused petitioner, she suffered and continues to suffer grievous extreme

emotional injury, psychological injury, financial injury, and professional injury [inclusive of loss to her professional and personal reputation.]

The details of the asserted "conspiracy, harassment, intimidation, oppression, cover-up, retaliation, fraud, and misrepresentation", which caused her injuries, have never been fully developed in this *δ1983 action*. Petitioner requested a hearing in the District Court to present the evidence, establish the issues of facts, be heard on the questions of law, and time after the hearing to draft a second amended complaint, which would have clearly stated her causes of action and avoided the *Rule 12(b)(6)* dismissal. As shown in the record, the requested hearing was just ignored by the court. *[request for hearing and court docket sheet, which proves no action was taken on her pro se requested hearing, were sent to this Court, but are not attached hereto].* Instead, the District Court drafted a judgment stating: they could not match evidence-exhibits to the facts *[See appendix hereto, p.10E, infra].* Thus no formal discovery was ever afforded petitioner instead the evidence-exhibits to prove the facts in her complaint were ignored, because she was pro se and did not know how to properly present the evidence-exhibits to the court and was NOT given the opportunity to do so.

Thus the *Rule 12(b)(6)* dismissal, which is failure to state a claim upon which relief can be granted, judgment was entered against petitioner on December 15, 1988. *See Appendix hereto, p. 9E thru l3E; l4F; 8D, infra.*

The present *δ1983 controversy* thru *28 U.S.C. δ1331* finds its origin in the petitioner not being granted due process as related to due notice articulated in *[Texas Education Code l3.lll(b) supra],* which was established to protect her in the state of Texas from any one falsely attaching the Stigma of Incompetency on her without Due Process and Due Notice. Further the school board had knowledge of Mr. Lomax, who

was not authorized under said statute, firing and reassigning petitioner without due process or due notice with Ms. Allen stating same to her. Mr. Lomax did said act after a meeting with Mr. Simmons and Dr. Blevins a few hours before, in retaliation for her requesting Ms. Baber assist her with the grievance process for an erroneous observation by Ms. Allen, which was supposed to be handled by her union. Since the proper due process and due notice was articulated in state statute and petitioner falls within the zone of the person to be protected by said statute, because they were falsely attaching the Stigma of Incompetency on her, which was made public; petitioner's cause takes on a Fourteenth Amendment Constitutional Dimension with the conspirators acting under the color of state law. *[A graphic representation showing all conspirators relationship to the facts and a graph showing all the evidence-exhibits presented to the lower court matched to the facts in petitioner's amended complaint was sent to this Court, but are not attached hereto—the same graphs were presented to the Appeals Court].*

The date petitioner was officially reassigned without due notice and due process (after the firing without due notice and due process on December 15, 1986) is shown to be December 16, 1986. *See appendix hereto, p. 15G, infra.* Then the board, Dr. Blevins, Mr. Lomax, Ms. Allen, and Mr. Simmons conspired with her union, T.S.T.A., through Mr. Kinser to cover up the illegal firing and illegal reassignment three days before by coercing her (while she was under duress from the firing) into signing a resignation letter with the fraudulent statement by both Mr. Lomax and Mr. Kinser that the resignation letter was just to relieve the pressure and she could have her job back in the spring. *[See appendix hereto, p. 16G, infra.]* The conspiracy to coverup was continued through the E.E.O.C. investigation by Mr. Lomax, Ms. Allen, and Ms. Dudley making fraudulent, false statements, which had the result of obstructing the E.E.O.C.'s investigation with the board's approval. Also, the conspiracy

to retaliate against petitioner for getting the E.E.O.C. to investigate Abilene I.S.D. and filing suit has continued through the present time.

The theory of petitioner's δ*1983* complaint was that her injuries, including the Stigma of Incompetency being placed on her, was a direct result of their conspirators acts in their part of furthering the conspiracy to: (1) violate her due process and due notice rights as related to the firing and reassignment, (2) covering up their violating her civil rights, and (3) retaliating against her for seeking redress. Further petitioner's union misrepresenting her in the grievance process and conspiring with the district to cover up their violation was a violation of their fiduciary duty owed to her. [She did not posses the expertise or power to negotiate the grievance process. *See Conley v. Gibson, 355 U.S. 41, 47 (1957).* Also *see Bowen v. U.S. Postal Service, et al., 459 U.S. 212, 213 (4th Cir., 1983).*] Therefore all conspirators are liable for her injuries, thus they should pay damages to her and have the court order that they will leave petitioner alone. Put simply, petitioner was injured and can prove her injuries are a direct result of the conspirators actions. She is still being injured and must have the court hear her cause in order to stop them from injuring her. The complaint alleged a conspiracy revolving around the understanding of the entwined nature of the facts and in conclusory terms. Any clarity lacking in alleging the conspirators part in furtherance of the conspiracy is a direct result of pro se lacking legal expertise to express her cause in written legal terms.

Petitioner was never granted a requested hearing to present evidence, establish issues of facts, be heard of the issues of law, and after same to draft a second amended complaint—NO HEARING HAS EVER BEEN CONDUCTED IN THIS CAUSE.—Further no proper discovery was ever conducted in this cause in the district court or in the appeals court. Thus petitioner's δ*1983* cause has a new constitutional dimension under the First and Fourteenth Amend-

ments to the United States Constitution, which is her right to litigate has been denied her; because she is pro se and cannot legally articulate her cause or properly present the evidence to the court, which proves all her facts as stated in her amended complaint. Thus the district court without granting pro se opportunity to orally present her cause and ignoring the evidence-exhibits improperly presented by pro se, granted the respondents requested *Rule 12(b)(6)* dismissal solely on the basis of pro se's defective pleadings with opposing counsel enthusiastically subverting the true course of Justice. *See appendix hereto p.9E thru l3E; l4F; 8D, infra.*

Six aspects of the memorandum decision granting the *Rule 12(b)(6)* dismissal require emphasis:

(1) The issue of petitioner's firing was not resolved in the memorandum only left open to controversy. *See appendix hereto, p.10E, infra.*

(2) This memorandum oscillates between the original complaint and the first amended complaint and the court evidently knew it; because they made note of the fact that specific persons were not named, which is true of the original complaint; but not the first amended complaint. *See appendix hereto, p. 10E, infra.*

Further the fifteenth amendment was left out of the first amended complaint jurisdictional statement. *See amended complaint sent to this court but not attached hereto p. 2.*

(3) The memorandum states the court could not match the evidence-exhibits and the court did not give petitioner a chance to properly present the evidence-exhibits, which under *Federal Rule of Civil Procedure 54(c)* would have subverted the *Rule 12(b)(6)* dismissal. *See appendix hereto, p. 10E, infra.*

(4) The majority of issues in the memorandum are a hodge-podge of issues pulled out of the opposing attorneys' pleadings, which were put into their pleadings to cloak the real issues of this cause. Further the hodge-podge of issues are in the same hodge-podge manner disposed of; leaving

most of the erroneous issues controversial. Yet, at one point the court makes an erroneous judgment on petitioner's competency as above stated without benefit of evidence. *See appendix hereto, p. 10E thru 12E, infra.*

(5) The court ruled on the issue of conspiracy without benefit of a hearing, proper discovery, and ignoring the evidence-exhibits to prove her assertions. *See appendix hereto, p. 11E, infra.*

(6) In the memorandum the court refers to the court not disturbing the day to day operations of the school system, *[See appendix hereto, p. 12E, infra.]* but the pivotal point in this cause of action is that the school board, was mandated by the Texas Legislature to follow *Texas Education Code 13.111(b), supra;* if they were firing a teacher charging incompetence. Yet, they violated their obligation to follow the statute; thus petitioner's recourse is to the courts. This case goes beyond that: (A) They violated Texas statute *[13.111(b), supra];* (B) They conspired with petitioner's union to cover up their violation of the Statute *See appendix hereto, p. 16G thru 18G, infra.;* (C)They denied her a hearing to clear her name of the Stigma of Incompetency they had falsely placed on her *See appendix hereto, p. 19G thru 21G, infra.;* (D) They condoned employees lying to the E.E.O.C. in their investigation; and (E) They retaliated against petitioner for having the E.E.O.C. investigate them by keeping her from working as a teacher for almost two years. *See appendix hereto, p.22G, infra.*

So these types of decisions are not related to day to day operations of the district; rather they are related to unconstitutional acts by a school board, who is abusing and violating its powers granted to it by state legislature. The full impact of this quasi-government's actions and decisions has been felt by petitioner, thus her recourse is to the courts.

In due course, the petitioner took an appeal to the Fifth Circuit from this final judgment of the District Court. The

petitioner invoked the Fifth Circuit's jurisdiction under *28 U.S.C. δ1291* to review "final decisions" of district courts. Her only question to the appeals court was: The District Court erred by Failing to Grant the judgment in favor of the plaintiff. Mr. Kendall responded that his clients, T.S.T.A. and Mr. Kinser, did no wrong to the pro se petitioner rather only Abilene I.S.D. and its employees were in the wrong. Also, he stated that the decision should be based on the pleadings not on Oral argument and he submitted in an appendix to his pleadings evidence-exhibits pro se had submitted to the lower court, which they could not match. [Further the submitted appendix cloaked the true issues of the cause in the context they were submitted.] Mr. Glandon responded for his clients, A.I.S.D. and its employees, that her complaint should be kicked out of court and sent with his pleadings to the appeals court her pro se original complaint not the amended complaint. Pro Se Appellant responded to their pleadings, with a Motion to Strike their pleadings, because they cloaked the truth, lied, misstated the issues, and misquoted pro se appellant. The Fifth Circuit denied her Motion to Strike.

The Fifth Circuit thereupon summarily affirmed the lower court's judgment, while leaving *out the Fourteenth Amendment in its restatement of pro se's jurisdictional statement and her pro se reference to 28 U.S.C.*. Further, (1) the facts they use in their decision: are erroneous; compressing the time frame of the events; leave out pivotal facts of the case; attempting to disguise this as a contractual matter [which it is not]; and are not consistent with the true issues, the true facts, or the law of this case. *[See appendix hereto, p. 2B, thru 3B, infra.]* (2) Roman numeral II. is missing. *See appendix hereto, p. 3B thru 4B, infra.* (3) The Fifth Circuit denied pro se petitioner the right to litigate protected under the first and fourteenth amendments, because she had not properly articulated in legal terms her cause of action and her

pleadings were defective—both of these are directly related to pro se's lack of legal expertise. *See appendix hereto, p. 4B thru 6B, infra.*

Having exercised its jurisdiction over the final judgment, the Fifth Circuit de novo reviewed another issue that was raised in the amended complaint, which was Fraud. They stated they found no suggestion in Williamson's complaint that the defendants made misrepresentations on which Williamson detrimentally relied *See appendix hereto, p.3B thru 4B, infra.* Yet, in their tailored facts they do state part of the misrepresentation by Mr. Kinser, her T.S.T.A. Union representative, on which she detrimentally relied, *[See appendix hereto, p. 3B, infra.]* and is confirmed by Mr. Kendall in his answer pleading in the lower court. Also, they briefly state that she was under duress: "to relieve the pressure." Further the Fifth Circuit did not state that the fraud did not exist, they just stated that they could not find any suggestion in Williamson's complaint, *See appendix hereto, 4B, infra.* Also *see the amended complaint sent to this court, but not attached hereto p.4, 5, 15, 16, 18, etc.* Thus: (1) the fraud issue, (2) the fourteenth amendment issue, (3) the duress issue, (4) the firing and reassignment without due notice and due process issue, (5) the retaliation issue, (6) the misrepresentation by her union in the grievance process issue, (7) the coercion issue, (8)the Stigma of Incompetency being falsely being placed on petitioner issue, (9) Lomax, Allen, and Dudley obstructing the E.E.O.C. investigation-with the boards knowledge issue, (10) as other issues from this cause have not been litigated, or litigated under the wrong legal theory, or just left open to controversy; because petitioner is pro se and cannot properly articulate in legal terms the conspirators part in furtherance of the conspiracy, which injured and continues to injure petitioner.

Further the Fifth Circuit addressed five additional points raised on appeal *See appendix hereto, p. 4B thru 6B, infra.*,

which are (1) either dismissed, because they state her pro se complaint was legally insufficient or (2) they state they considered her pro se argument *[pro se does not know how to argue in legal terms]* to reach their decision or (3) they leave the points controversial. Thus the appeals court basically denied her the right to litigate, because of her pro se pleadings ignoring as the lower court the fact she can prove ALL her facts as stated in her complaint with evidence-exhibits already presented to the court, but she was NOT GIVEN A HEARING TO PROPERLY PRESENT THEM nor was any other discovery done in this cause.

The Fifth Circuit affirmed the district court's order dismissing Williamson's complaint. *See appendix hereto, p.7C, infra.*

REASONS FOR GRANTING WRIT

The federal court of appeals, having accepted jurisdiction to de novo review a final judgment in a civil case presented by a pro se plaintiff-appellant, rendering its decision in conflict with decisions from other circuits, this court, and the Fifth Circuit is an appealable matter, which raises important and unresolved questions.

The Fifth Circuit has here made its decision based on pro se plaintiff-appellant-petitioner's pleadings, without benefit of: (1) an oral hearing or proper discovery, and (2) without benefit of the evidence-exhibits being properly matched to the facts *[See appendix hereto, 10E, infra].* Further as pointed out supra, their decision : (1) is based on a defective lower court judgment; (2) side-steps the issue of her 14th amendment cause of action and the *28 U. S. C. &1331* jurisdictional requisite being satisfied; (3) they ignored the fact she can prove her facts as stated in her complaint; and (4) they distorted, altered, and tailored her facts as stated supra. As pointed out to the appeals court in her pleadings: at the time she filed suit, she was still under great duress from the conspirators retaliating against her for attempting to get redress for the injuries their conspirator actions caused her.

Petitioner's union should be assisting her in getting redress for her injuries caused by the A.I.S.D, et al (1) violating her right to due process and due notice set out in *Texas Education Code 13.111(b), supra*; (2) attempting to cover up their violation *See appendix hereto, p. 16G thru 20G, infra.;* and (3) retaliating against her for seeking redress *See appendix hereto, p. 21G thru 22G.* Instead her union is assisting them in the cover up and the retaliation, and case law is in conflict with their actions. *See Bown v. U.S. Postal Service, 459 U. S.*

212 thru 247 (1983). Also see Conley v. Gibson, 355 U.S. 41, 44 (1957). Thus pro se petitioner is trying to the best of her ability to tell the court that she was injured by the conspirators' actions, and part in furtherance of the conspiracy, and can prove it.

Yet, the Fifth Circuit basically said she could not litigate her cause, because she did not plead properly and the lower court said she could not litigate her cause, because she did not properly present the evidence. The fact is her union should be representing her in this cause.

Thus is raised a significant question whether pro se plaintiff's pleadings, presentation of proof, and applicable procedures should be given liberal construction. In giving a negative answer to this question, they are in conflict with case law. *See Moore v. Coats Co., 270 F.2d 410 (C.A.N.J. 1950). Also see Haines v. Kerner, 404 U.S. 519, 520 (1972). Also see Conley v. Gibson, 355 U.S. 41, 45-46 (1957).* As noted in these decisions . . . where plaintiff appeared pro se and was unskilled in law, court must view his pleadings and the applicable procedure liberally.

Another question paralleling the one above is whether the courts or oppossing attorneys can alter, tailor, or distort the facts, which in effect deny the pro se petitioner the right to litigate. In altering, tailoring, and distorting the facts, the Fifth Circuit is in conflict with case law, which states the facts are to be construed in the most favorable light of the moving party and the courts disbelief of a complaint's factual allegations without proper discovery or a hearing should not be condoned. *See Reid v. Hughes, 578 F.2d 634, 637 (5th Cir. 1978). Also see Bell & Murphy & Assoc. v. Interfirst Bank Gateway, 894 F.2d 750, 752 (5th Cir 1990). Also see Tracy v. Robbins, 40 F.R.D. 108, 111 (1966). Also see*

*Neitzke v. Williams, 57 U.S.L.W. 4493 at 4495 (1989). Also see Barrientos v Reliance Standard Life Ins. Co., 1990 U.S. App. LEXIS 16321, *3 (5th Cir). Also see Baton Rouge Bldg. & Constr. Trades Council v. Jacobs Constructors, Inc., 804 F.2d 979, 881 (5th Cir. 1986)*

Pro Se plaintiff should be given the right granted her under the First and Fourteenth Amendments of the U.S. Constitution to litigate her cause, if she can prove to the court that her injuries are a direct result of the defendants actions, especially if conspiracy and duress are alleged. Case law supports Pro Se litigant being given a fair chance to be heard by the Court. Yet, in this case the courts have simply denied pro se plaintiff-appellant-petitioner that right by stating she did not properly plead her case or that she did not properly match the evidence to the facts, which do prove her facts.

Lower courts need guidance from this court as to the applicability of the treatment of a Pro Se litigant, who can prove all her facts as stated in her complaint. Even though case law states the courts will treat pro se fairly as shown in this case they are not adhering to this doctrine.

CONCLUSION

For these various reasons, this petition for certiorari should be granted. Petitioner reiterates that Questions 2 thru 10 are presented herein, not as a reason for granting certiorari, but because in the posture of this case this is the only opportunity for petitioner to seek review of these questions raised by the Fifth Circuit's and the District Court's mistreatment of pro se petitioner in denying her redress; basically because she is pro se and unskilled in law. If the petitioner is correct in urging that the Fifth Circuit

had no right to affirm the lower courts decision or dismiss the other questions as raised in the appeals court as meritless, or insufficiently plead, this Court should reverse the findings of the Fifth Circuit with instructions that this cause be sent back to the District Court for a trial on the merits with a lawyer being granted permission to write a second amended complaint in legal terms.

Respectfully submitted,

Deen Thomas Williamson

Deen Thomas Williamson, pro se
6905 Silber Rd. Apt. 114
Arlington, Texas 76017
(817) 561-2172
Pro Se Petitioner
(requesting court
appoint proper counsel)

Of Counsel:

Deen Thomas Williamson
6905 Silber Rd. Apt. 114
Arlington, Texas 76017
(817) 561-2172
Pro Se Petitioner
(requesting court
appoint proper counsel)

Mr. Roger Glandon
3305 N. Third St. Suite 300
Abilene, Texas 79603
(915) 673-8261
Counsel for Respondents

Mr. Gaynor Kendall
515 Congress, Suite 1700
Austin, Texas 78701
(512) 478-7252
Counsel for Respondents

Petition for Writ of Certiorari

No. _____

IN THE SUPREME COURT OF THE UNITED STATES
October Term, 1990

DEEN THOMAS WILLIAMSON,
Petitioner,

v.

ABILENE INDEPENDENT SCHOOL DISTRICT, TEXAS STATE TEACHERS ASSOCIATION, DR. WAYNE BLEVINS, MR. GAYLE LOMAX, MR. DON SIMMONS, MRS. TOMMIE ALLEN, MS. VICKIE HARPER, MS. PAT DUDLEY, MR. ELMON HIGGS, MS. SHIRLEY BABER, MR. BOB JOY, AND MR. GENE KINSER,
Respondents,
(Collectively and Individually),
Mr. Byron Craig (POSTHUMOUS) and
Mr. Craig Williams
'Non-Active' Respondents.

PRO SE PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

APPENDIX

Of Counsel:

Deen Thomas Williamson
6905 Silber Rd. Apt. 114
Arlington, Texas 76017
(817) 561-2172
Pro Se Petitioner
(requesting court
appoint proper counsel)

Mr. Roger Glandon
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Counsel for Respondents

January 26, 1991

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TO PRO SE PETITIONER'S APPENDIX
(Accompanying Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit)

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All BELOW ARE REFERENCING THE ABILENE INDEPENDENT SCHOOL BOARD AS THE 'QUASI-GOVERNMENT' ADMINISTRATIVE AGENCY'S DECISION [directly or indirectly UNDER THE RESPONDEAT SUPERIOR THEORY].

7. DECISIONS	G	12-15-86 thru 12-19-88	Agency	15-22

(1) **VIOLATION OF STATE STATUTE : TEXAS EDUCATION 13.111 (b) , [PETITIONER WAS ILLEGALLY FIRED AND REASSIGNED WITHOUT DUE NOTICE OR DUE PROCESS ON DECEMBER 15, 1986 and processed on DECEMBER 16, 1986]**, which gives this cause its

Fourteenth Amendment Constitutional Dimension and invokes the Federal Question Issue 15

(2) **CONSPIRATORS** COVER (of illegal firing and illegal reassignment without due process and due notice referenced in (1) above) 16-20

(a.) RESIGNATION LETTER (petitioner fraudulently coersed into signing by Agency and T.S.T.A. **WHILE UNDER DURESS** from (1) above) 16

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EXHIBIT A

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 89-1044

DEEN THOMAS WILLIAMSON,
Plaintiff-Appellant,

versus

ABILENE, I.S.D., ET AL.,
Defendants-Appellees.

Appeal from the United States Distict Court for the
Northern District of Texas

ON PETITION FOR REHEARING
(OCTOBER 30, 1990)

Before POLITZ, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing filed in the above entitled and numbered cause be and the same is hereby denied.

ENTERED FOR THE COURT:

D. EUGENE DAVIS
United States Circuit Judge

EXHIBIT B

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 89-1044
Summary Calendar

DEEN THOMAS WILLIAMSON,
Plaintiff-Appellant,

VERSUS

ABILENE INDEPENDENT SCHOOL DISTRICT, ET AL.,
Defendants-Appellees

Appeal from the United States District Court For the Northern District of Texas
(CA-1-88-0121-W)

(October 4, 1990)

Before POLITZ, DAVIS and BARKSDALE, Circuit Judges.

DAVIS, Circuit Judge:[1]

The Abilene Independent School District (AISD) did not renew Deen Thomas Williamson's (Williamson) one-year teaching contract. Williamson sued numer-

[1]Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

ous defendants alleging various constitutional, statutory, and common law violations. The district court granted the defendants' motions to dismiss for failure to state a claim upon which relief can be granted. We find no error and affirm.

I.

Williamson taught in the AISD under a one-year contract. Midway through the contract, AISD reassigned Williamson from her regular classroom duties to substitute teaching. AISD did not change her pay or benefits. AISD also notified her that they did not intend to renew her contract at the end of the school year.

On the advice of Gene Kinser, an employee of the Texas State Teachers Association (TSTA), Williamson offered to resign at the end of the school year. According to Williamson, Kinser "said in order to relieve the pressure, the lawyers said [Williamson] should resign, show the School District that [Williamson's supervisor] was wrong by doing a great job Substitute Teaching, and the school district would rehire [Williamson] in the Spring after [she] proved herself."

AISD did not rehire Williamson. Williamson sued AISD, eleven officers or employees of AISD, TSTA, and Kinser. She seeks $16 million in monetary damages, as well as mandatory and prohibitory injunctions. The defendants filed motions to dismiss for failure to state a claim upon which relief can be granted. See *Fed. R. Civ. P. 12 (b) (6).* The district court granted the motions and dismissed the suit. Williamson appeals.

We review de novo motions to dismiss under *Fed. R. Civ. Pro. 12 (b) (6).* See, for example, *Barrientos v Reliance Standard Life Ins. Co., 1990 U. S. App. LEXIS 16321, *3 (5th Cir).* We accept all well-pleaded facts as true and construe them in the light most favorable to the plaintiff.

See, for example, *Bell & Murphy & Associates, Inc. v Interfirst Bank Gateway, 894 F. 2d 750, 752 n. 1 (5th Cir 1990).* Because Williamson is a pro se litigant, we must liberally construe her complaint. See *Haines v Kerner, 404 U.S. 519, 520 (1972).* We cannot uphold the district court's dismissal "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief." *Conley v Gibson, 355 U.S. 41, 45-46 (1957).* See also *Thomas v Smith, 897 F. 2d 154, 156 (5th Cir. 1989).*

III.

The first paragraph of Williamson's amended complaint lists the following bases for her suit: (1) 42 U.S.C. δ 1971, 1973, 1983; (2) civil conspiracy; (3) fraud; (4) equal protection; (5) procedural due process; (6) substantive due process; (7) first amendment; and (8) ninth amendment. The district court gave written reasons for its dismissal of each of these claims except for the fraud claim. We treat plaintiff's fraud claim below but adopt the reasons of the district court in its disposition of the remaining claims.

Williamson does not allege facts sufficient to state an action for common law fraud. Texas requires that the plaintiff allege and prove that she relied to her detriment on a material misrepresentation. See *Trenholm v Ratcliff, 646 S.W.2d 927, 930 (Tex. 1983).* We find no suggestion in Williamson's complaint that the defendants made misrepresentations on which Williamson detrimentally relied.

Williamson raises five additional points on appeal. First, Williamson argues that the district court erred by failing to conduct an oral hearing on the defendants' motions to dismiss. Williamson does not suggest how a hearing would have assisted the court in ruling on the legal sufficiency of the complaint. This argument is meritless.

Second, Williamson maintains that the defendant sub-

mitted fraudulent pleadings. Williamson makes three assertions to support this contention: (1) that one of the opposing attorneys could not have counselled with all of his clients before submitting his answer and his motion to dismiss; (2) that some of the attorney's clients thought they were represented by another attorney; and (3) that the attorney improperly characterized her arguments. Even if all of these assertions are true, they are irrelevant to the motions to dismiss. The district court based its decision on Williamson's complaint, not on the defendants' pleadings. This argument is also meritless.

Third, Williamson makes the unsupported assertion that the district court did not consider the exhibits she attached to her amending complaint. Nothing in the record indicates that the district court did not examine Williamson's exhibits or which, if any, of the exhibits the court was required to consider in ruling on the motion to dismiss. In any event, she does not show how those exhibits would have affected the district court's decision.

Fourth, Williamson contends that the district court denied her right to confront witnesses. The sixth amendment guarantees criminal defendants the right "to be confronted with the witnesses against [them]." But Williamson is a plaintiff in a civil trial. She has no claim to the sixth amendment right of confrontation.

Finally, Williamson maintains that the district court denied her right to a jury trial. The seventh amendment guarantees "the right of trial by jury." But that right is not denied when courts dismiss a complaint for failure to state a claim upon which relief can be granted. Like motions to dismiss for lack of subject matter jurisdiction under *Fed. R. Civ. Pro. 12 (b) (1), Rule 12(b)(6)* motions require the court to rule only on the adequacy of the complaint. See *Menchaca v. Chrysler Credit Corp., 613 F.2d 507, 511 (5th Cir. 1980)* (holding that motion to dismiss for lack of subject matter

jurisdiction did not deny plaintiffs their seventh amendment right to a jury trial). We conclude, therefore, that the district court did not deny Williamson's right to a jury trial.

Williamson asserts in her appellate brief that she stated claims under a number of federal and state statutes including the *Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1961 et seq.), the Taft-Hartley Act (29 U.S.C. § 141 et seq.), and the Texas General Arbitration Act (Tex. Rev. Civ. State. art. 224 et seq.)* We have considered her arguments on all these points and find no merit to any of them.

For all of the foregoing reasons, we AFFIRM the district court's order dismissing Williamson's complaint.

AFFIRMED.

EXHIBIT C

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 89-1044
Summary Calendar

D.C. Docket No. CA 1 88 0121 W

DEEN THOMAS WILLIAMSON,
Plaintiff-Appellant,

versus

ABILENE, I.S.D., ET AL.,
Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Texas

Before POLITZ, DAVIS and BARKSDALE, Circuit Judges.

JUDGMENT

This cause came on to be heard on the record on appeal and was taken under submission on the briefs on file.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the District Court in this cause is affirmed.

IT IS FURTHER ORDERED that plaintiff-appellant pay to defendants-appellees the costs on appeal to be taxed by the Clerk of this Court.

October 4, 1990

ISSUED AS MANDATE:

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

DEEN THOMAS
WILLIAMSON
Plaintiff,

v.

CASE NO. CA-1-88-0121 W

ABILENE INDEPENDENT SCHOOL DISTRICT, TEXAS STATE TEACHERS ASSOCIATION, DR. WAYNE BLEVINS, MR. GAYLE LOMAX, MR. DON SIMMONS, MRS. TOMMIE ALLEN, MRS. VICKIE HARPER, MRS. PAT DUDLEY, MR. ELMON HIGGS, MS. SHIRLEY BABER, MR. BOB JOY, AND MR. GENE KINSER.

Defendants (collectively and individually)

FILED
OCT. 12, 1988

ORDER

The Court has received the Motion to Dismiss filed by Defendants, Abilene Independent School District, et al.

Any party desiring to oppose this Motion is to file its opposition and brief, and any accompanying materials, on or before twenty (20) days from the date of this Order.

The Clerk shall furnish a copy hereof to all attorneys of record.

DATED this October 12, 1988.

HALBERT O. WOODWARD
HALBERT O. WOODWARD
Senior, United States District Judge

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

DEEN THOMAS WILLIAMSON,
Plaintiff,

V.

ABILENE INDEPENDENT
SCHOOL DISTRICT, ET AL,
Defendants.

ENTERED ON DOCKET DATE: 12-15-88

CA1-88-0121W

MEMORANDUM AND ORDER OF DISMISSAL

Defendants have filed their Motions to Dismiss this action for failure to state a claim upon which relief may be granted.

Plaintiff in her pro se complaint seeks to recover some $16,000,000.00 in monetary damages as well as prohibitory and mandatory injunction relief. Plaintiff states that she brings this action

> "pursuant to 42 U.S.C. 1972, 1973, 1983; Civil Rights Act 1957 & 1965; and Civil Conspiracy (including its goal) as per Common Law; FR (8C); Fraud, others to be added, and the discretion of the Court: to redress wrongs under color of state law, of rights, privileges or immunities; traditional standard of equal protection under the law and strict scrutiny standard as effecting right/liberties implicitly guaranteed by the Constitution of the U. S.A. [Due Process as related to Substantive Law (interference with protected right) and as related to procedural law (deprivation of "life, liberty, or property-plus all other inclusive]; all of the above and others secured to Plaintiff by said laws, statutes, and by the First, Ninth, Fourteenth, and

other to be determined by the discretion of the Court Amendments of the Constitution of the United States of America.

It appears that Plaintiff is attempting to have this Court mandatorily direct the future actions of the various Defendants to be performed for the benefit of unnamed and non-party public school students, teachers, and members of the Texas State Teachers Association (TSTA), and to enjoin future actions which she considers to transgress on the rights of persons not parties to this action. Further she seeks redress on behalf of unnamed non-party family members and friends. Her Complaint is presented incoherently and it is difficult to decipher just what she is seeking.

It also appears that she is complaining about her resignation or alleged discharge from the Abilene Independent School District (AISD).

It is to be noted that no specific factual allegations are made against the individual Defendants or against the AISD and TSTA, and in fact, Plaintiff has sued a deceased party.

In responding to the Motions to Dismiss Plaintiff has filed hundreds of pages of exhibits which are not referenced to any particular factual allegation in her complaint or responses, nor can they be so matched by the Court.

Plaintiff complains about her teacher evaluations, the actions of the AISD in warning and disciplining her, her failure to find suitable employment, etc. Although it is obvious that her claim grows out of her employment with the Abilene Independent School District, proceedings to terminate her employment, and her resignation, there are simply no allegations in her pleadings that any of the actions complained of related to any free speech, free press, or religious activity. Consequently, her assertion of violation of First Amendment rights is wholly without merit.

No criminal proceedings were involved, and thus her Sixth Amendment violation claim is without merit.

There are no factual allegations which warrant an implication of state action invading any right or privacy, right of association, or other Ninth Amendment right.

None of the allegations have reference to any election of any kind or character or to interference with her right to vote nor infringement upon such right. Accordingly, the complaint states no claim under the Fifteenth Amendment nor under 42 U. S. C. 1971 and 1973.

Plaintiff must allege facts showing she was treated differently by the school district from other persons similarly situated, and that such disparate treatment was based on legally impermissible distinctions, such as race, sex, or age. New York City Transit Authority v. Beazer, 440 U.S. 568, 587 (1979). This Plaintiff has failed to do. Her allegations that the evaluations were wrong simply cannot support the implication that other persons similarly situated, who had performed in the same manner as Plaintiff, would have been treated differently. As a consequence, her complaint is wholly deficient to state a claim for denial of equal protection under 42 U.S.C. 1983.

Plaintiff claims that she was denied due process of law, but the facts alleged fail to state such a claim, and further fail to show that she availed herself of the due processes which the laws of Texas made available to her under Section 11. 13, Texas Education Code. See McRaes v. Lindale Independent School District, *450 S.W.2d 118 (Tex. Civ. App. - Tyler, 1970).*

Plaintiff further alleges in conclusory form that all the individual Defendants conspired with one another to bring about her discharge and "that A.I.S.D. and T.S.T.A allowed the environment to exist in which such unconstitutional and conspiracy activities of its subordinates either closed its eyes to the existence of the conspiracy and/or checked only to see

if they were legally covered." Such conclusory allegations cannot survive a motion to dismiss because such claims are not supported by references to material facts. *Slotnick v. Staviskey, 560 F.2d 31, 33 (lst Cir., 1977).*

When the Court reviews a complaint to determine if it is sufficient to state a claim under any of the referenced federal laws or constitutional provisions, it is not sufficient even for a pro se plaintiff to allege violation of any such rights by simply stating conclusions to that effect. It is incumbent upon Plaintiff to make "specific allegations of fact indicating a deprivation of civil rights, rather than state simple conclusions," and failure to do so warrants dismissal for failure to state a claim. Kock v. Unich, *533 F.2d 80, 85 (2nd Cir. 1976); see also, Wise v. Bravo, 666 F.2d 1328, 1331 (10th Cir. 1981).*

It is clear from Plaintiff's complaint that she is asking this Court to issue injunctions and attempt to restructure the Abilene School System, but she fails to allege facts which, if true, would give the Court jurisdiction to grant such relief. The Federal Court should be loath to intrude into internal school affairs. See Megill v. Board of Regents of State of Florida, *54l F.2d 1073 (5th Cir. l976).*

The Supreme Court in Bishop v. Wood, *42 6 U. S. 341, 349 (1976),* stated:

> The federal court is not the appropriate forum in which to review the multitude of personnel decisions that are made daily by public agencies. . . In the absence of any claim that the public employer was motivated by a desire to curtail or to penalize the exercise of an employee's constitutionally protected rights, we must presume that official action was regular and, if erroneous, can best be corrected in other ways. The Due Process Clause of the Fourteenth Amendment is not a guarantee against incorrect or ill-advised personnel decisions.

The Court is of the opinion and finds that Plaintiff has

failed to state a claim upon which relief can be granted under any of the Federal Statutes or Amendments to the Constitution as to any of the Defendants, and for such reason, such cause should be in all things dismissed.

It is therefore ORDERED that this action against all Defendants be and the same is hereby DISMISSED.

The Clerk shall furnish a copy hereof to all attorneys and to Plaintiff.

Dated December 14th, 1988.

HALBERT O. WOODWARD

HALBERT O. WOODWARD

Senior United States District Judge

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

DEEN THOMAS WILLIAMSON,
Plaintiff,
V.
ABILENE INDEPENDENT
SCHOOL DISTRICT, ET AL,
Defendants.

ENTERED IN DOCKET 12-15-88

CA1-88-0121W

JUDGMENT

The Court has this date entered its Order and Judgment which contains the Court's Memorandum on the pending Motions to Dismiss in this case, and it appears that the following Judgment should be entered:

It is, therefore, ORDERED AND DECREED that Plaintiff's Complalnt against the Defendants is hereby dismissed without prejudice and all relief prayed for is denied.

It is further ORDERED that the Plaintiff, Deen Thomas Williamson, take nothing of and from the Abilene Independent School District, the Texas State Teachers Association, Dr. Wayne Blevins, Mr. Gayle Lomax, Mr. Don Simmons, Mrs. Tommie Allen, Mrs. Vickie Harper, Mrs. Pat Dudley, Mr. Elmon Higgs, Ms. Shirley Baber, Mr. Bob Joy, Mr. Gene Kinser, Mr. Byron Craig (posthumous) and Mr. Craig Williams, and Judgment is here entered for said Defendants.

Costs are assessed against Plaintiff.

EXHIBIT G

PERSONNEL ACTION FORM

Date: 1- Initials: KW
New Employee__Transfer X Termination__Salary Adj.__
Leave of Absence__
Name Williamson, Deen Social Security No. 467-70-8435
Black__Mexican-American__Ango X Other__
Male__Female X
Campus Ad Bldg. Campus Code 01-1
Assignment Full Time Substitute Personnel Unit Value__
Replaces__ Additional Unit__
Date Effective 1-5-87 Fund __
Degree BS Experience 10 Tenure 0 Pay Grade T Pay Step __
Months Employed 10 No. Days Employed 183 Probation Pay __
Degree Change Code__College Code__Year__Major Code __ Minor Code __

Base Pay	Monthly _____	Annual 18,620	
Above Pay	2900	Reason Overscale	
	_____	Reason _____	
Hourly Rate	_____	Overtime _____	
Budget Code	117-11-6112.00-199	**SEPT-AUG**	
Total Gross Pay	_____	**1793.33**	
No. Days Worked	183	**NO SALARY CHANGE**	
Daily Rate	117.596	**BUDGET CODE &**	
Gross Annual	21,520	**CHECK**	
		GROUP CHG ONLY	

Remarks: Transfered from Woodson Project PASS to full time substitute. There will no salary change. She will pick up her check on 12-19-86, but after that please mail check to her home address.

Date 12-16-86 Approved: G. Lomax
WHITE COPY-Payroll YELLOW COPY-Personnel PINK COPY-Personnel

EXHIBIT G

December 19, 1986

Mr. Gayle Lomax
Director of Personnel
Abilene Independent School District
P. O. Box 981
Abilene, TX 79604

Dear Mr. Lomax:

Please consider this as my written acceptance of reassignment from the position of teacher at Project Pass to the position of permanent substitute for the Abilene Independent School District through the duration of my current contract with the district for the 1986-87 school year and at the present salary which I am receiving.

Also, please accept this letter as my written request of resignation to be effective as of May 29, 1987.

I assure you that I will fulfill the responsibilities of permanent substitute to the best of my abilities and, if successful in such assignment, will expect upon completion of my present contract a recommendation stating that I have successfully fulfilled my contractual obligation to the district.

Respectfully,
Deen Thomas Williamson
Deen Williamson

cc: Dr. Wayne Blevins, Superintendent
Mr. Gene Kinser, TSTA Representative

ACCEPTED
[both dates indicated]
12-16-86
12-19-86
LOMAX

December 18, 1986

EXHIBIT G

Ms. Deen Williamson
3548 N. 9th Street
Abilene, Texas 79603

Re: Reassignment of Duties

Dear Ms. Williamson:

This letter will confirm what I previously told you in person concerning your duty assignment with the Abilene Independent School District. In accordance with the provisions of your Probationary Contract and School Board Policies DK and DK (LOCAL), we are relieving you of your duties as a regular classroom teacher at the Woodson Skill Center and assigning you duties as a permanent substitute teacher. Your specific teaching duties will be determined on a day-by-day basis in accordance with the needs of the District, but it is anticipated at this time that you will be teaching classes every school day. This reassignment will not have any effect whatsover upon your salary or other benefits provided by the District and you will continue to be paid the same amount and in the same manner as before. As we have previously discussed, this reassignment was necessitated by your continued lack of control in the classroom and your apparent inability to improve your classroom management and discipline after being instructed to do so. While the District is committed to honoring your contract for the current school year, subject to the District's right to determine the specific assignments you will be expected to perform from time to time, I feel it only fair to advise you that the Administration does not intend to recommend renewal of your contract at the end of the school year.

If you have any questions about the reassignment or the proposed termination of your contract at the end of the

current year, please feel free to discuss the matter with me. Furthermore, you should be advised that you have the right to appeal the termination of your contract at the end of the school year by written request to the Board of Trustees (Board Policy DOBD).

Yours very truly,

Gayle Lomax

Gayle Lomax
Executive Director of Personnel

EXHIBIT G

July 4, 1987

Dear Dr. Blevins:

Although you told me on May 13, 1987 that my being fired without Due Process and being denied my Right of Confrontation with the persons, who Conspired against me were MUTE points; I would appreciate a Hearing before Abilene I.S.D. School Board on August 10, 1987. At this aforementioned hearing, I will "Clear" my teaching reputation. This situation is threatening my chances of obtaining a teaching position in another school district. Actually, I would prefer a teaching position in Abilene I.S.D. with a court Restraining order against any school personnel who harasses, conspires against, and etc. any other school personnel (There are other matters which need to be discussed, but I am discussing these with Counsel and will address those at the Hearing.)

You told me that my firing was the result of (90%) Mrs. Allen's Evalutation and (10%) the staff's feeling it would be better for Project Pass if I was not there. If these are the actual reasons I was fired without Due Process, I would like the above reasons documented and clarified.

Since the Abilene School Board is Honorable, I am sure they will appreciate the opportunity to evaluate my evidence. After a Face-to-Face PUBLIC Group discussion with all the persons, who Conspired against me, (Dr. Blevins, Mr. Lomax, Mr. Higgs, Mrs. Allen, Mr. Simmons, Mrs. Dudley, Mrs. Harper, Mr. Craig, Mr. Joy, Mr. Williams, and Mr. Kinser), I am sure a clear picture will be seen by all and Justice will prevail.

Since you have the right to schedule hearings before the School Board, I will await your written reply to my request for a PUBLIC HEARING.

Thank you for attending to this matter, immediately.

Respectfully,

Deen Thomas Williamson

Deen Thomas Williamson

July 24, 1987

EXHIBIT G

Ms. Deen Williamson
3548 N. 9th
Abilene, TX 79603

Dear Ms. Williamson,

I am in receipt of your letter dated July 4, 1987, requesting a hearing before the Board of Trustees of the Abilene Independent School District on August 10, 1987. At this juncture, it is my opinion that the AISD is not obligated to accommodate your request for a hearing. Indeed, you were notified in December of 1986, in person and by letter, that you were to be reassigned as a regular substitute teacher for the balance of the school year, and that your contract would be terminated at the end of the 1986-87 school year. You were also informed that you had the right to appeal the termination of your contract by written request to the Board of Trustees. No request was received.

You notified Mr. Gayle Lomax, Executive Director of Personnel, on December 19, 1986, that you accepted the reassignment and submitted your letter of resignation affective May 29, 1987. The resignation was accepted by the Board of Trustees and your employment with the AISD was terminated at the end of the 1986-87 school year.

Please be advised that I have referred this matter to the General Counsel of the school district for his advice and evaluation. In the meantime, should you have any questions regarding the matter, do not hesitate to contact my office.

Sincerely,
Wayne Blevins
Wayne Blevins
Superintendent

WB/kh

cc: Gayle Lomax

July 24, 1987

EXHIBIT G

Memo To: David Buhrmann

From: Dr. Wayne Blevins

Subject: Attached request from Deen Williamson

Pursuant to our recent telephone conversation, please find the attached written request from Ms. Deen Williamson for a hearing before the AISD Board of Trustees. I've also included for your information, some selected correspondence that was taken from her personnel folder, and my response to her request of July 4, 1987.

Please examine this issue at your convenience and advise us of what additional action may be necessary.

cc: Gayle Lomax

AFFIDAVIT **EXHIBIT G**

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, personally appeared WILLIAM L. GARRETT, who by me being duly sworn, says "On August 2, 1988, I spoke with David Buhrmann by telephone and requested Mr. Buhrmann to determine whether the Abilene Independent School District would be able to give a neutral recommendation for Deen Thomas Williamson to any inquiry from another school district that may consider employing her. Later than same day, I was told by Mr. Buhrmann that Mr. Lomax of the Abilene Independent School District would have a hard time even giving Ms. Williamson a neutral recommendation."

WILLIAM L. GARRETT

WILLIAM L. GARRETT

SUBSCRIBED AND SWORN TO before me on this 7th day of October, 1988.

Notary Public, State of Texas.

AFFIDAVIT - PAGE SOLO

Supreme Court, U.S.
FILED
FEB 25 1991
OFFICE OF THE CLERK

(2)

NO. 90-1214

IN THE SUPREME COURT OF THE UNITED STATES
October Term, 1990

DEEN THOMAS WILLIAMSON,
Petitioner,

V.

ABILENE INDEPENDENT SCHOOL DISTRICT,
TEXAS STATE TEACHERS ASSOCIATION,
WAYNE BLEVINS, GAYLE LOMAX,
DON SIMMONS, TOMMIE ALLEN,
VICKIE HARPER, PAT DUDLEY,
ELMON HIGGS, SHIRLEY BABER,
BOB JOY, GENE KINSER,
BYRON CRAIG (POSTHUMOUS),
CRAIG WILLIAMS
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF FOR RESPONDENTS

Deen Thomas Williamson
6905 Silber Rd., Apt. 114
Arlington, TX 76017
(817) 561-2172
Pro Se Petitioner

Mr. Roger L. Glandon
P.O. Box 3679
Abilene, TX 79604-3679
(915) 673-8261
Counsel for Abilene Independent School District, Wayne Blevins, Gayle Lomax, Don Simmons, Tommie Allen, Vickie Harper, Pat Dudley, Elmon Higgs, Shirley Baber, Bob Joy, Byron Craig (Posthumous) and Craig Williams

Mr. Gaynor Kendall
515 Congress, Ste. 1700
Austin, TX 78701
(512) 478-7252
Counsel for Texas State Teachers Association and Gene Kinser

RESPONDENTS RESPONSE TO PETITIONER'S "QUESTIONS PRESENTED"

This appeal arises out of the dismissal of a petition filed pro se by petitioner, Deen Thomas Williamson, against Respondents. The trial court sustained Rule 12 motions filed by all defendants on the basis that plaintiff's petition failed to state a claim upon which relief could be granted. Petitioner appealed pro se to the Fifth Circuit Court of Appeals with the sole point of error being:

> The district court erred by failing to grant a judgment in favor of the plaintiff.

The fifth circuit treated the point of error as being a complaint that the district court erred in granting defendants' motions to dismiss for failure to state a claim upon which relief could be granted. Finding no error, the court affirmed the district court judgment.

Petitioner requests this court to grant certiorari upon the basis that there is a conflict between the decision of the fifth circuit herein and the decisions of other circuit courts over the supreme court. Respondents would respectfully show the court that no such conflict, in fact, exists.

The perceived conflict alleged by Williamson is that the fifth circuit court failed to apply the standard set forth by other courts in determining the sufficiency of the pleadings of a pro se litigant in the face of a Rule 12(b)(6) motion to dismiss. Her claim is that the circuit court held that her pro se pleadings were not to be given liberal construction. This is not true. In its opinion the circuit court stated:

> P. 2--We accept all well-pleaded facts as true and construe them in the light most favorable to the plaintiff.
>
> P. 3--Because Williamson is a pro se litigant, we must liberally construe her complaint.

P. 3--We cannot uphold the district court's dismissal 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief.'

Willimson cites no cases holding to the contrary.

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CITATIONS OF OPINIONS AND JUDGMENTS

The opinions and judgments delivered in the courts below are correctly set forth in Williamson's petition for writ of certiorari.

JURISDICTION

Respondents admit that this court has jurisdiction; however, they deny that certiorari is appropriate under Rule 10 of the Supreme Court Rules in that there is no conflict between the opinion of the fifth circuit court and the decisions of other United States Courts of Appeals on the same matter nor does the question presented constitute an important question of federal law which has not been decided.

STATEMENT OF FACT

Petitioner, Deen Williamson, was an untenured teacher working for the Abilene Independent School District under a one-year contract. The contract period was for the fall, 1986 and spring, 1987 school term. On December 18, 1986, school officials advised Williamson that she was being relieved as a regular class room teacher and assigned as a substitute teacher without any change in pay or benefits. At that time, she was also advised that the school district did not intend to renew her contract at the end of the school year. She was further advised of her right to appeal the termination (Appendix 18G to petitioner's brief). On December 19, 1986, Williamson delivered a letter to the personnel director of Abilene Independent School District accepting the reassignment and further tendering her resignation as of May 29, 1987, which was the end of her contract period (Appendix 16G to petitioner's brief). On July 4, 1987, Williamson requested a hearing before the school board to challenge the failure to renew her contract (Appendix 19G to petitioner's brief). The request for hearing was denied based upon a failure to make a timely request and the fact that Williamson had voluntarily resigned from her teaching duties (Appendix 20G to petitioner's brief).

Thereafter, this suit was filed by Williamson pro se alleging violations of 28 U.S.C. §1331; 42 U.S.C. §1971, §1973 and §1988; Civil Rights Act of 1957 and 1964; civil conspiracy; fraud; Federal Rules of Civil Procedure 8(C); United States Constitution; due processes related to procedural law; and the First, Ninth and Fourteenth Amendents to the Constitution of the United States. On appeal, Williamson also complained of possible manslaughter, RICO and Taft-Hartley Act violations.

All defendants filed motions to dimiss under Rule 12(b)(6) upon the grounds that plaintiff had failed to state any set facts in her petition which, if true, would give rise to jurisdiction in the federal district court. Such motions to dismiss were, in all things, granted.

Williamson, in her brief, complains at great length about the conduct of all parties, their attorneys and judges, but, at no point, does she ever refer to any allegations of fact in her pleadings which

would constitute a cause of action under any of the statutes or constitutional amendents alleged.

ARGUMENT AND AUTHORITIES

These respondents take no issue with any of the authorities cited by petitioner. Although Williamson complains at great length in her petition about her mistreatment, the petition simply fails to set forth any allegations of wrongdoing by any of the named defendants which would, if true, give a federal court jurisdiction to hear such complaints. Although she complains that the district court refused to permit her to to amend her pleadings, the record shows that, in fact, she never requested leave to amend her pleadings nor did she attempt to file any pleading with the court which stated any sort of cause of action within the jurisdiction of the United States District Court. Additionally, although the complaint is made that the district and circuit courts applied the law incorrectly, no allegations of fact are set forth in Williamson's brief which, if true, would give the court jurisdiction to grant the relief requested. Her complaint of error, therefore, is immaterial. Respondents would point out, however, that the correct standard in evaluating the petition was, in fact, utilized both by the district court and the circuit court of appeals.

The opinion of the district court held:

> When the court reviews a complaint to determine if it is sufficient to state a claim under any of the referenced federal laws or constitutional provisions, it is not sufficient even for a pro se plaintiff to allege violation of any such rights by simply stating conclusions to that effect. It is incumbent upon plaintiff to make 'specific allegations of fact indicating a deprivation of civil rights, rather than state simple conclusions' and failure to do so warrants dismissal for failure to state a claim.

The circuit court of appeals specifically set forth the standard in evaluating the pleadings as is alleged should have been done by appellant. The court stated:

> We review de novo motions to dismiss under Fed. R. Civ. Pro. 12 (b) (6). See, for example, Barrientos v. Reliance Standard Life Ins. Co., 1990 U.S. App. LEXIS 16321, *3 (5th Cir). We accept all well-pleaded facts as true and construe them in the light most favorable to the plaintiff. See, for example, Bell & Murphy & Associates, Inc. v. Interfirst Bank Gateway, 894 F.2d 750,752 n. 1 (5th Cir 1990). Because Williamson is a pro se litigant, we must liberally construe her complaint. See Haines v. Kerner, 404 U.S. 519, 520 (1972). We cannot uphold the district court's dismissal 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief.' Conley v. Gibson, 355 U.S. 41, 45-46 (1957). See also Thomas v. Smith, 897 F.2d 154, 156 (5th Cir. 1989).

Williamson argues at great length in her brief herein and in the Court of Civil Appeals factual matters which she claims give rise to a cause of action. However, no such allegations of facts were set forth in her petition. When reviewing a dismissal for failure to state a claim for relief, the court must assume what is pled is true but cannot consider violations of laws not alleged nor whether plaintiff may be able to prove facts which are not alleged in the complaint. See Assoc. Gen. Contractors of California, Inc. v. California State Council of Carpenters, Cal. 1983, 103 S.Ct. 897; 459 U.S. 519; 74 L.Ed. 2d 723 (1983).

Even if the court were to consider the factual allegations set forth in Williamson's brief, same, even if true, would give rise to no cause of action within the jurisdiction of the federal courts. The case was correctly decided.

Respondents would further show the court that appellant's complaint concerns strictly the outcome of her litigation and would have no bearing on other suits nor would it constitute any sort of legal precedent affecting other litigation. The circuit court opinion, therefore, has no significance to anyone other than the parties to this litigation. In deciding whether to grant a writ of certiorari, the supreme court is ordinarily not concerned with achieving individual justice

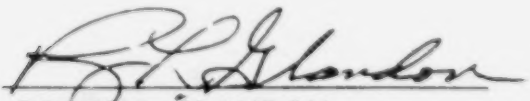
in an individual case. See Layne & Bowler Corp. v. W. Well Works, Inc., 1923, 43 S.Ct. 422; 261 U.S. 387; 67 L.Ed. 712 (1923).

None of the points of error alleged by Williamson were asserted before the Fifth Circuit Court of Appeals. The supreme court will ordinarily not decide questions which had not been passed upon by the Court of Appeals. See U.S. v. Fleischman, App. D.C. Cir. 1950, 70 S.Ct. 739; 339 U.S. 349 (1950); 94 L.Ed. 906; Sonzinsky v. U.S., 7th Cir. 1937, 57 S.Ct. 554; 300 U.S. 506; 81 L.Ed. 772 (1937). They, therefore, should not now be raised for the first time before the supreme court.

PRAYER

WHEREFORE, PREMISES CONSIDERED, these respondents pray that petitioner's application for writ of certiorari be, in all things, denied and that they have such other and further relief as they may show themselves justly entitled.

Respectfully Submitted,
GLANDON, ERWIN, SCARBOROUGH,
BAKER & CHOATE, P.C.
P.O. Box 3659
Abilene, Texas 79604
Phone: (915) 673-8261
Telecopy: (915) 673-3047

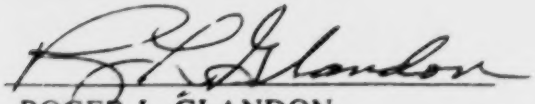
BY: 
ROGER L. GLANDON
SBN: 07995000
ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served upon the parties by mailing same by certified mail, return receipt requested, this the _____ day of February, 1991 to:

Deen Thomas Williamson
6905 Silber Rd., Apt. 114
Arlington, TX 76017

Mr. Gaynor Kendall
515 Congress, Ste. 1700
Austin, TX 78701



ROGER L. GLANDON

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

(3)

No. 90-1214

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1990

DEEN THOMAS WILLIAMSON, Petitioner,

v.

ABILENE INDEPENDENT SCHOOL DISTRICT, TEXAS STATE TEACHERS ASSOCIATION, DR. WAYNE BLEVINS, MR. GAYLE LOMAX, MR. DON SIMMONS, MRS. TOMMIE ALLEN, MS. VICKIE HARPER, MS. PAT DUDLEY, MR. ELMON HIGGS, MS. SHIRLEY BABER, MR. BOB JOY, MR. GENE KINSER,

Respondents
(Collectively and Individually),
Mr. Byron Craig (POSTHUMOUS) and
Mr. Craig Williams

'Non-Active' Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITIONER'S REPLY MEMORANDUM

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March 18, 1991

No. 90-1214

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1990

DEEN THOMAS WILLIAMSON, Petitioner,

v.

ABILENE INDEPENDENT SCHOOL DISTRICT, TEXAS STATE TEACHERS ASSOCIATION, DR. WAYNE BLEVINS, MR. GAYLE LOMAX, MR. DON SIMMONS, MRS. TOMMIE ALLEN, MS. VICKIE HARPER, MS. PAT DUDLEY, MR. ELMON HIGGS, MS. SHIRLEY BABER, MR. BOB JOY, MR. GENE KINSER,

Respondents
(Collectively and Individually),
Mr. Byron Craig (POSTHUMOUS) and
Mr. Craig Williams

'Non-Active' Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITIONER'S REPLY MEMORANDUM

Mr. Glandon, the attorney for respondents A.I.S.D. and its employees, failed to properly address petitioner's quesion presented to this court in his brief in opposition. Pro se petitioner requested a hearing in the district court, because she realized she needed the hearing to properly tie the evidence-exhibits to the facts as stated in her com-

plaint. Further the hearing would have assisted pro se in framing her causes of action, which would have been properly stated in her requested second amended complaint. (See Request for Hearing - p.3 in Lodging). The request for hearing and opportunity to file an amended complaint was ignored by the court. (See Docket Sheet in Lodging). The fifth circuit stated the standards by which pro se pleadings and the applicable procedures should be construed by the courts in their decision (See Appendix 3B p. 2-3), yet they did not adhere to these standards in the actual drafting of their decision. Thus their decision gives a negative answer to the premise that pro se's pleadings and applicable procedures should be construed liberally.

In the section of Glandon's brief styled jurisdiction, he stated that petitioner's question had already been decided by this court. While it is true that the standards have been established for construing a pro se litigant's pleadings and applicable procedures, petitioner's case clearly points that the courts are only masquerading conformity to these standards, because petitioner was denied the right to litigate in the district court with the demure that she did not properly present the evidence and the fifth circuit basically stated she was denied the right to litigate, because she did not say it properly in her complaint. Thus diligent adherence to the standards by the lower courts—*not simply stating the standards as they make their decision in a mockery fashion to these standards*—is an important question of federal law this court needs to address.

There are errors in Mr. Glandon's statement of the facts. Petitioner's pivotal cause of action is that the respondents by their actions in firing and reassigning her without due notice and without due process on December 15, 1986 violated her due process and due notice rights as stated in Texas statute, specifically Texas Education Code §13.111 (b). Once her statutory rights were violated, her cause took on a fourteenth amendment constitution dimension. Thus her recourse was to the courts even before the coverup of this violation, the retaliation against her for requesting the E.E.O.C. investigate her cause, the misrepresentation by her union, and the stigma of incompetency being falsely placed on her.

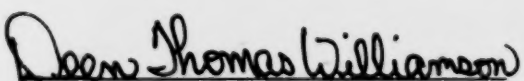
The section of Mr. Glandon's brief styled argument and authorities continues to reflect that pro se's lack of expertise in the legal arena is being used to deny her the right to litigate. The point is: all petitioner's

facts remain the same and can be supported by her evidence-exhibits already in the record. Further, all of the points of error presented to this court were addressed in her pro se pleadings in the fifth circuit. Since the only question before this court at this time is the conflict between the decision and case law, petitioner asserts that she attempted to point out to the fifth circuit that their decision was in conflict with case law in her Request for a Panel Rehearing. (See lodging).

Contrary to Mr. Glandon's premise that this case is not applicable to other litigants and other cases, this case at bar is definitely applicable to pro se litigants being treated fairly with the lower courts diligently, properly adhering to the applicable standards set out in case law in the drafting of their decisions. Further, petitioner does have several causes of actions and some are clearly stated in her Request for Panel Rehearing (See lodging).

In light of the above stated reasons and others, which pro se does not clearly see, it is important in several respects that this court grant petitioner's Petition for a Writ of Certiorari to reveiw the judgment and opinion of the United States Court of Appeals for the Fifth Circuit, entered in the above-entitled proceeding in October 4, 1990 and reverse the findings of the Fifth Circuit with instructions: that this cause be sent back to the District Court for a trial on the merits with a lawyer being granted permission to write a second amended complaint, which was requested by petitioner in her request for a Hearing (See Request for Hearing, p. 3 in Lodging).

Respectfully submitted,



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March 18, 1991